

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TYRONE BURNS,

Plaintiff,

v.

JAMES FENOGLIO, et al.,

Defendants.

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Case No. 3:11-cv-1104-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

Now pending before the Court is the Motion for Reconsideration filed by Plaintiff, Tyrone Burns, on December 19, 2016 (Doc. 162). The Motion is **DENIED WITHOUT PREJUDICE**.

Plaintiff submitted \$107.59 towards his initial partial filing fee that was ordered by the Court on May 4, 2016. It appears that the money, however, went missing: it was not received by either the Clerk of this District or by the Clerk of Court for the Seventh Circuit Court of Appeals despite being withdrawn from Plaintiff's trust fund account. On September 9, 2016, this Court ordered the following:

The Trust Fund Office at the ILLINOIS RIVER CORRECTIONAL CENTER is **DIRECTED** to submit to chambers via the Clerk of Court a copy of the cancelled check (and/or any other document evidencing payment and to whom payment was made) referenced by Plaintiff, Tyrone Burns (#B13733) as having been mailed to the Court of Appeals in Chicago, Illinois, in the amount of \$107.59 on or about June 26, 2016. The information shall be submitted by September 19, 2016. The Clerk of Court is **DIRECTED** to mail or transmit this Order to the Trust Fund Office at the above institution.

(Doc. 161).

According to a Counseling Summary memo dated September 27, 2016 from Bonnie Frakes, an "Account Technician I," to Plaintiff, the prison responded to the Court's Order with

“documentation sent to the US District Court-Southern Region” (Doc. 163, p. 3). Unfortunately, neither the Clerk nor this Court has received the documentation mentioned in the memo. Therefore, Bonnie Frakes, or the Trust Fund Officer at the Illinois River Correctional Center, is **DIRECTED** to re-submit the “documentation” regarding the missing check for \$107.59 for the Court’s review. Such documentation should include a copy of the cancelled check and/or any other document evidencing payment and to whom payment was made as indicated in the Court’s previous Order. In order to prevent any mis-direction, the information should be **mailed** directly to the **chambers of the undersigned** (Magistrate Judge Donald G. Wilkerson, 750 Missouri Avenue, East St. Louis, IL 62201) by **January 11, 2017**.

The Clerk of Court is **DIRECTED** to mail or transmit this Order to Bonnie Frakes and the Trust Fund Officer at the Illinois River Correctional Center forthwith.

**DATED: December 29, 2016**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**